

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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IN THE MATTER OF:

BRUCE ALAN KINNEY
Applicant

No. 13-I-207
CONSENT ORDER FOR
ISSUANCE OF POLYSOMNOGRAPHIC
TECHNOLOGIST LICENSE WITH
OFFICIAL REPRIMAND

This matter is before the Louisiana State Board of Medical Examiners (the "Board") on the application of Bruce Alan Kinney, ("Mr. Kinney") for issuance of a polysomnographic technologist license. While it appears from information available as supplied by Mr. Kinney's application and otherwise that he is generally qualified for issuance of such license, as acknowledged by him in his application, he reported that he has worked as a polysomnographic tech in this state without a permit or license.

On his own behalf, Mr. Kinney advised the Board that he was under the understanding, from conversation with others, that certification by the Board of Registered Polysomnographic Technologist ("BRPT") was the only requirement to practice as a polysomnographic tech in this state. When notified by the investigator that certification by the Board is required to practice, he stopped his practice and submitted an explanation to the Board. He has now acknowledged that his understanding was in error and has accepted his responsibility to understand and comply with all laws and regulations regarding licensure in this state.

As evidenced by his subscription to this Order Mr. Kinney acknowledges the substantial accuracy of the foregoing information and that such acknowledgment and information could provide the Board with sufficient cause to deny his application pursuant to the Law respecting polysomnographic technologists.¹

Investigation of the captioned matter was assigned to the Director of Investigations ("I/O") for the Board. While it appears to the I/O that Mr. Kinney is a conscientious and well-trained polysomnographic technologist, the I/O's review and analysis of the matter confirms to

¹La. Rev. Stat. §37:2867, 2870.

her satisfaction that sufficient cause exists to charge Mr. Kinney with one or more violations of the Polysomnographic Practice Act ("the Law"), La. R.S. §§37:2870 and 37:2867.

Recognizing his right to have notice of such allegations and charges asserted against him, to administrative adjudication of such charges, at which time he would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in defense or in mitigation of the charges made and to a decision thereon by the Board based upon written findings of fact and conclusions of law, pursuant to La. Rev. Stat. §§49:951 *et. seq.*, Mr. Kinney, nonetheless, hereby waives his right to notice of charges and formal adjudication and pursuant to La. Rev. Stat. §49:955(D) consents to entry of the Order set forth hereinafter. Mr. Kinney further acknowledges and waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951 *et. seq.*, or which otherwise may be afforded to him by law to contest his agreement to or the force and effect of this document in any court or other forum relating to the matters referred to herein. By his subscription hereto Mr. Kinney also hereby authorizes the I/O designated by the Board with respect hereto to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation and he waives any objection to such disclosures under La. Rev. Stat. §49:960. Mr. Kinney expressly acknowledges that the disclosure of information to the Board by the I/O shall be without prejudice to the I/O's authority to file a formal Administrative Complaint against him or to the Board's capacity to adjudicate such Complaint should the Board decline to approve this Consent Order.

Based upon the foregoing information, as well as the recommendation of the I/O, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state, pursuant to La. Rev. Stat. §37:2863, will be effectively served by entry of the order set forth hereinafter by consent. Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:2867 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that Bruce Alan Kinney is hereby OFFICIALLY REPRIMANDED for the conduct asserted hereinabove.

IT IS FURTHER ORDERED that licensure to practice as a polysomnographic technologist in the state of Louisiana shall be issued to Bruce Alan Kinney.

IT IS FURTHER ORDERED that within twelve (12) months of the date of this Order Mr. Kinney shall pay the Board a fine in the amount of Three Hundred (\$300.00) Dollars, which represents the licensure fees for each of the past three (3) years, plus a penalty of an equal amount.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with this Order by Mr. Kinney shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:2867.

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

Signed in New Orleans, Louisiana, and effective this 29th day of April
2013.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

BY:



MELVIN G. BOURGEOIS, M.D.
President

*Acknowledgement and Consent
on Following Page*

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STATE OF LOUISIANA
PARISH OF Bossier

ACKNOWLEDGMENT
AND CONSENT

I, BRUCE ALAN KINNEY, Polysomnographic Technologist Applicant, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 20 day of MARCH, 2013.



BRUCE ALAN KINNEY

WITNESSES:

Suzette Thibodeaux

Signature

Suzette Thibodeaux

Printed Name

6030 Line Ave #320 Shreveport, LA

Address 71106

Kendra Samuels

Signature

Kendra Samuels

Printed Name

6030 Line Ave #820 Shreveport, LA

Address 71106

Sworn to and subscribed before me at Bossier City, Louisiana this 20 day of March, 2013, in the presence of the two stated witnesses.

Sandra R. Johnson

Notary Public (Printed Name) and Seal

Sandra R. Johnson

Notary (Signature) & Bar/Notary No.

SANDRA R. JOHNSON
NOTARY PUBLIC ID No. 041865
BOSSIER PARISH, LOUISIANA
MY COMMISSION IS FOR LIFE